UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,792	06/25/2001	Myron P. Hattig	042390.P6957D	2630

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EXAMINER
MOORE JR, MICHAEL J

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

$S\!f$

	Application No.	Applicant(s)
Office Action Summary	09/891,792	HATTIG, MYRON P.
	Examiner	Art Unit	
	Michael J. Moore, Jr.	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>29-44</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>29-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10 November 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Terminal Disclaimer

1.   The terminal disclaimer filed on 5/15/07 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent 6,466,549 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Specification

2.   The disclosure is objected to because of the following informalities: Please add domestic priority information to the specification with respect to parent application 09/891,729 filed 4/12/1999, now U.S. Patent No. 6,466,549.

        Appropriate correction is required.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **43 and 44** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

        Regarding claims **43 and 44**, these claims are directed to "functional descriptive material *per se*" (computer program) with no claimed practical application (Please see Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility). A suggestion by Examiner would be to replace the phrase "that provides instructions" on line 1 of claim **43** with the phrase "encoded with computer executable instructions".

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims **29, 31, 32, 43, and 44** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shima et al. (U.S. 6,366,964) (hereinafter "Shima") in view of Brewer

(U.S. 6,657,999).

Regarding claim **29**, *Shima* teaches that upon a bus reset event occurring, self-

identifying information (advertised discovery information) for the devices coupled to the

1394 network is received in response to a query by the monitoring application as shown

in step 104 of Figure 4 and spoken of on column 7, lines 47-50.

Shima also teaches the receiving of object and subobject information by the

monitoring node including characteristics, unique ID and physical ID (list of devices and

services) as spoken of on column 6, lines 29-53.

Shima does not explicitly teach the network including a non-1394 network

coupled to the 1394 bus.

However, *Brewer* teaches a method and apparatus for interconnecting Ethernet

and 1394 networks as shown in Figure 3 and spoken of on column 7, lines 1-22.

At the time of the invention, it would have been obvious to someone of ordinary

skill in the art, given these references, to combine the network interworking teachings of

Brewer with the network teachings of *Shima* in order to allow Ethernet devices (non-

1394 devices) to communicate with 1394 devices as spoken of on column 7, lines 55-67.

Regarding claim **31**, *Shima* further teaches a 1394 network including a computer system, set-top box, satellite dish, television, and VCR as spoken of on column 6, lines 60-67.

Regarding claim **32**, *Shima* further teaches the receiving of object and subobject information by the monitoring node including characteristics, unique ID and physical ID (device and service information) as spoken of on column 6, lines 29-53.

Regarding claim **43**, *Shima* teaches that upon a bus reset event occurring, self-identifying information (advertised discovery information) for the devices coupled to the 1394 network is received in response to a query by the monitoring application (instructions) as shown in step 104 of Figure 4 and spoken of on column 7, lines 47-50.

Shima also teaches the receiving of object and subobject information by the monitoring node including characteristics, unique ID and physical ID (list of devices and services) as spoken of on column 6, lines 29-53.

Shima does not explicitly teach the network including a non-1394 network coupled to the 1394 bus.

However, *Brewer* teaches a method and apparatus for interconnecting Ethernet and 1394 networks as shown in Figure 3 and spoken of on column 7, lines 1-22.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the network interworking teachings of *Brewer* with the network teachings of *Shima* in order to allow Ethernet devices (non-

1394 devices) to communicate with 1394 devices as spoken of on column 7, lines 55-67

of *Brewer*.

Regarding claim **44**, *Shima* further teaches the receiving of object and subobject

information by the monitoring node including characteristics, unique ID and physical ID

(device and service information) as spoken of on column 6, lines 29-53.

6.   Claims **29-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fujimori et al. (U.S. 5,978,854) (hereinafter "Fujimori") in view of Brewer (U.S.

6,657,999).

Regarding claim **29**, *Fujimori* teaches that upon a bus reset, ARP or RARP

requests are sent by node devices of the network as shown in Figure 2 and spoken of

on column 3, lines 24-35.

Fujimori also teaches the reception of bus ID, node ID, node unique ID, and IP

address information by a requesting node (discovering device) in response to an ARP

or RARP request as spoken of on column 3, lines 30-36.

Fujimori also teaches each requesting node storing (maintaining) bus ID, node

ID, node unique ID, and IP address information (list of devices and services) in its

corresponding address cache table as shown in Figure 3 and spoken of on column 3,

lines 30-36.

Fujimori does not explicitly teach the network including a non-1394 network

coupled to the 1394 bus.

However, *Brewer* teaches a method and apparatus for interconnecting Ethernet and 1394 networks as shown in Figure 3 and spoken of on column 7, lines 1-22.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the network interworking teachings of *Brewer* with the network teachings of *Fujimori* in order to allow Ethernet devices (non-1394 devices) to communicate with 1394 devices as spoken of on column 7, lines 55-67 of *Brewer*.

Regarding claim **30**, *Fujimori* further teaches coupling two IEEE 1394 buses 24 and 26 via bridge device 28 as shown in Figure 2 and spoken of on column 3, lines 9-14.

Regarding claims **31, 34, 39**, *Fujimori* further teaches the communication of personal computer devices via IEEE 1394 as shown in Figure 1.

Regarding claims **32, 37, 42, and 44**, *Fujimori* further teaches the reception of bus ID, node ID, node unique ID, and IP address information (device and service information) by a requesting node (discovering device) in response to an ARP or RARP request as spoken of on column 3, lines 30-36.

Regarding claim **33**, *Fujimori* teaches that upon a bus reset, ARP or RARP requests (solicit packet) are sent by node devices of the network as shown in Figure 2 and spoken of on column 3, lines 24-35.

Fujimori also teaches where the ARP request packet of Figure 4 includes a bus indicator as shown in Figure 4 and spoken of on column 3, lines 54-59.

Fujimori also teaches the reception of bus ID, node ID, node unique ID, and IP

address information by a requesting node (discovering device) in response to an ARP

or RARP request as spoken of on column 3, lines 30-36.

Fujimori also teaches each requesting node storing (maintaining) bus ID, node

ID, node unique ID, and IP address information (list of devices and services) in its

corresponding address cache table as shown in Figure 3 and spoken of on column 3,

lines 30-36.

Fujimori does not explicitly teach the network including a non-1394 network

coupled to the 1394 bus.

However, Brewer teaches a method and apparatus for interconnecting Ethernet

and 1394 networks as shown in Figure 3 and spoken of on column 7, lines 1-22.

At the time of the invention, it would have been obvious to someone of ordinary

skill in the art, given these references, to combine the network interworking teachings of

Brewer with the network teachings of Fujimori in order to allow Ethernet devices (non-

1394 devices) to communicate with 1394 devices as spoken of on column 7, lines 55-67

of Brewer.

Regarding claims **35, 36, 40, and 41**, Fujimori further teaches Fujimori where the

ARP request packet of Figure 4 includes a bus indicator indicating a bus or buses that

should receive the request packet as shown in Figure 4 and spoken of on column 3,

lines 54-59.

Regarding claim **38**, *Fujimori* teaches that upon a bus reset, ARP or RARP

requests (solicit packet) are sent by node devices (plurality of network devices) of the

network as shown in Figure 2 and spoken of on column 3, lines 24-35.

Fujimori also teaches where the ARP request packet of Figure 4 includes a bus

indicator as shown in Figure 4 and spoken of on column 3, lines 54-59.

Fujimori also teaches the reception of bus ID, node ID, node unique ID, and IP

address information (advertised broadcast information) by a requesting node

(discovering device) in response to an ARP or RARP request as spoken of on column 3,

lines 30-36.

Fujimori also teaches each requesting node storing (maintaining) bus ID, node

ID, node unique ID, and IP address information (list of devices and services) in its

corresponding address cache table as shown in Figure 3 and spoken of on column 3,

lines 30-36.

Fujimori does not explicitly teach the network including a non-1394 network

coupled to the 1394 bus.

However, *Brewer* teaches a method and apparatus for interconnecting Ethernet

and 1394 networks as shown in Figure 3 and spoken of on column 7, lines 1-22.

At the time of the invention, it would have been obvious to someone of ordinary

skill in the art, given these references, to combine the network interworking teachings of

Brewer with the network teachings of *Fujimori* in order to allow Ethernet devices (non-

1394 devices) to communicate with 1394 devices as spoken of on column 7, lines 55-67

of *Brewer*.

Regarding claim **43**, *Fujimori* teaches that upon a bus reset, ARP or RARP

requests are sent by node devices of the network as shown in Figure 2 and spoken of

on column 3, lines 24-35.

Fujimori also teaches the reception of bus ID, node ID, node unique ID, and IP

address information by a requesting node (discovering device) in response to an ARP

or RARP request as spoken of on column 3, lines 30-36.

Fujimori also teaches each requesting node storing (maintaining) bus ID, node

ID, node unique ID, and IP address information (list of devices and services) in its

corresponding address cache table as shown in Figure 3 and spoken of on column 3,

lines 30-36.

Fujimori does not explicitly teach the network including a non-1394 network

coupled to the 1394 bus.

However, *Brewer* teaches a method and apparatus for interconnecting Ethernet

and 1394 networks as shown in Figure 3 and spoken of on column 7, lines 1-22.

At the time of the invention, it would have been obvious to someone of ordinary

skill in the art, given these references, to combine the network interworking teachings of

Brewer with the network teachings of *Fujimori* in order to allow Ethernet devices (non-

1394 devices) to communicate with 1394 devices as spoken of on column 7, lines 55-67

of *Brewer*.

Response to Arguments

7.   Applicant's arguments with respect to *amended* claims **29-44** have been

considered but are moot in view of the new ground(s) of rejection provided above.
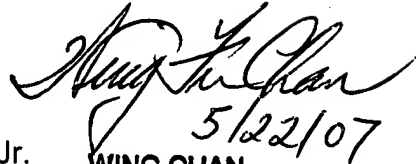
Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Koyama (U.S. 7,071,972), Small (U.S. 6,522,654), and Akatsu et

al. (U.S. 6,496,862) are other references considered pertinent to this application.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571)

272-3168. The examiner can normally be reached on Monday-Friday (7:30am -

4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wing F. Chan can be reached on (571) 272-7493. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjm MJM

Michael J. Moore, Jr.   WING CHAN
Examiner   SUPERVISORY PATENT EXAMINER
Art Unit 2616